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7 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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9 UNITED STATES OF AMERICA, ) Case No: 2:10-cv-1985-JCM-PAL  
10 Plaintiff, )  
11 vs. )  
12 NICHOLAS BICKLE, )  
13 Defendant. )  
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**GOVERNMENT'S MOTION TO  
WITHDRAW ITS EMERGENCY  
APPEAL OF SOUTHERN DISTRICT  
OF CALIFORNIA MAGISTRATE  
JUDGE GALLO'S ORDER  
RELEASING DEFENDANT ON BOND**

16 COMES NOW the United States of America, by and through DANIEL G. BOGDEN,  
17 United States Attorney, and Drew Smith, Assistant U.S. Attorney, District of Nevada, and  
18 seeks permission of the court to withdraw its November 15, 2010, appeal of Southern District of  
19 California Magistrate Judge William V. Gallo's November 12, 2010, order releasing defendant  
20 NICHOLAS BICKLE on conditions pending his appearance in the District of Nevada.

21 District of Nevada Magistrate Judge Peggy Leen has previously set an initial appearance  
22 date for defendant Bickle in Nevada for November 23, 2010, at 3:00. Undersigned counsel was  
23 advised by the United States Marshals Service for the Southern District of California that the  
24 defendant would not be able to make that appearance date if he were to remain in custody of the  
25 Marshals and be transferred here to Nevada in their custody.

26 It is the desire of the government to have defendant Bickle appear here in Nevada as  
27 soon as possible in order to keep this case moving forward at the same pace as his  
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1 co-defendants, and for that reason the government is willing to withdraw its appeal of  
2 Magistrate Judge Gallo's release order and allow the defendant to transport himself to Nevada  
3 for his November 23, 2010, appearance. The government's willingness to do so is of course  
4 with the understanding that the defendant would spend the four (4) days between now and then  
5 under the conditions previously imposed by Magistrate Judge Gallo, specifically that he be  
6 confined to a military base until he leaves for Las Vegas, and that he be escorted to Las Vegas  
7 by military personnel.

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9 DATED this 19<sup>th</sup> day of November, 2010.

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Respectfully submitted,  
DANIEL G. BOGDEN  
United States Attorney

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/s/ *Drew Smith*  
DREW SMITH  
Assistant United States Attorney

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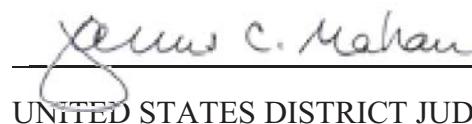
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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**  
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7 UNITED STATES OF AMERICA, ) Case No: 2:10-cv-1985-JCM-PAL  
8 Plaintiff, )  
9 vs. )  
10 NICHOLAS BICKLE, )  
11 Defendant. )  
12 \_\_\_\_\_ )  
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14 **ORDER ON GOVERNMENT'S**  
15 **MOTION TO WITHDRAW**  
16 **ITS EMERGENCY APPEAL**  
17 **OF SOUTHERN DISTRICT**  
18 **OF CALIFORNIA MAGISTRATE**  
19 **JUDGE GALLO'S ORDER**  
20 **RELEASING DEFENDANT ON BOND**

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14 Based on the representations of the government, and good cause appearing therefore, IT  
15 IS HEREBY ORDERED that the government's motion to withdraw its November 15, 2010,  
16 Emergency Appeal of Southern District of California Magistrate Judge William Gallo's Order  
17 Releasing NICHOLAS BICKLE on Bond is granted.

19 DATED this 21st day of January, 2011.

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23 UNITED STATES DISTRICT JUDGE  
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